

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JOHN BURTON, Individually and For and)
On Behalf of All Wrongful Death)
Beneficiaries of Derek Cumberledge,)
Deceased, and as the Administrator of the)
Estate of Derek Cumberledge, Deceased,)
)
Plaintiff,)
)
v.) Case No. 1:21cv-60-GHD-RP
)
UNITED FURNITURE INDUSTRIES, INC.)
AND JOHN DOE CORPORATION,)
)
Defendants.)

AGREED ORDER OF DISMISSAL

This cause came to be heard on the joint *ore tenus* motion for the Plaintiff, John Burton, as personal representative and on behalf of the wrongful death beneficiaries of Derek Cumberledge – Stephen Cumberledge, Lauren Cumberledge, and R.C. (a minor), and Defendant, United Furniture Industries, Inc., This Court, having considered the same and having found that the parties have reached this agreement to dismiss all claims against Defendant United Furniture Industries, Inc., with prejudice, hereby rules as follows:

1. Plaintiff filed a Complaint in the above-styled and captioned matter on March 24, 2021 and an Amended Complaint on June 14, 2021. The parties stipulate that Plaintiff's claim arises under the Virginia Wrongful Death Act (Va. Code § 8.01-50).
2. That on August 29, 2022, the parties reached a settlement of the lawsuit.

3. That on December 8, 2022, Plaintiff submitted to the Court a Motion to Approve Wrongful Death Settlement [Doc. No. 112], seeking approval of the settlement amount pursuant to Virginia Code Section 8.01-55. This Court entered an order approving Plaintiff's motion [Doc. No. 113].

4. That on March 1, 2023, the Circuit Court for the City of Virginia Beach appointed Ros Willis as the guardian ad litem for R.C. (a minor), in the matter styled *In Re: Estate of Derek Cumberledge Compromise Settlement John S. Burton, Esq., Administrator of the Estate of Derek Cumberledge, Deceased v. Stephen Cumberledge, Father of Decedent, and Lauren Cumberledge, Mother of Decedent, and R.C., Minor Sister of Decedent*, Court File No. CL22005889-00.

5. On March 3, 2023, the Virginia Beach Circuit Court entered an Order, approving Plaintiff's purposed distribution of settlement proceeds to the Derek Cumberledge's beneficiaries.

ORDERED AND ADJUDGED that this action be hereby dismissed with prejudice, including any and all current or potential claims which may relate to the alleged incident as between and among the Plaintiff and Defendant, United Furniture Industries, Inc., with each party to bear his, her or their own costs.

SO ORDERED, this the 28 ⁰ day of March, 2023.



SENIOR U.S. DISTRICT JUDGE